

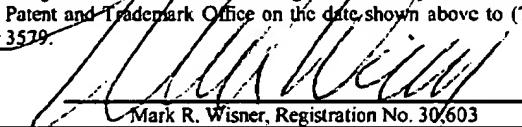
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT EXAMINING OPERATION

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GROUP 3700

#20

In re Application of:	§	Atty. Docket No.:	PUL.504E
Cesar Z. Lina	§	[KCIA,012]	
Serial No.: 09/432,904	§	Group Art Unit:	3764
Filed: November 2, 1999	§	Examiner:	D.D. DeMille
For: FOOT MOUNTED VENOUS COMPRESSION DEVICE	§		
	§		
	§		
	§		
	§		

COMMISSIONER OF PATENTS
AND TRADEMARKS
WASHINGTON, D.C. 20231

CERTIFICATE OF FACSIMILE TRANSMISSION
Date of Transmission: <u>March 25, 2003</u>
I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown above to (703) 305-3529.

Mark R. Wisner, Registration No. 30,603

**RESPONSE TO NOTICE OF IMPROPER
REQUEST FOR CONTINUED EXAMINATION (RCE)**

Dear Sir:

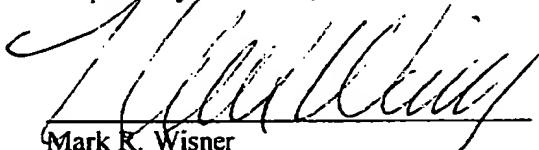
Applicant responds to the Notice of Improper Request for Continued Examination (Form PTO-2061) mailed in the captioned application on February 12, 2003 as follows. Although it is not expected that there is a charge for filing this Response, in the event a fee is assessed, the Commissioner is authorized to charge the deposit account of Wisner & Associates, Deposit Account No. 50-0965 (KCIA,012) in the amount of any such fee.

The Notice of Improper RCE lists the failure to enclose the required fee as the reason for the Notice. A copy of Applicant's Request for Continued Examination (RCE) Transmittal as filed (with a certificate of mailing executed on January 29, 2003) is enclosed (also enclosed is the required copy of the Form PTO-2061). Although paragraph 3(b) of the Request for Continued Examination is checked to indicate that a check for \$750.000 was enclosed, upon a review of the file, it does appear that the below-signed Attorney for Applicant overlooked including the check for the required fee when the Request for Continued Examination was mailed. However, it will be apparent from a review of the Request for Continued Examination that paragraph 3(a) of the Request authorized the charge of any fee deficiency to Deposit Account No. 50-0965. It is therefore respectfully submitted that Applicant's Request for Continued Examination was proper in

that, even though it may not have enclosed a check in the amount of the required fee, it did include authorization to charge to a Deposit Account such that the fee did accompany Applicant's Request.

Reconsideration and withdrawal of the Notice of Improper Request for Continued Examination (RCE) is therefore respectfully requested. In the event there are questions, please contact the undersigned Attorney for Applicant at the address and telephone number set out below.

Respectfully submitted,



Mark R. Wisner
Registration No. 30,603
Wisner & Associates
2925 Briarpark, Suite 930
Houston, TX 77042-3728
Telephone: (713) 785-0555
Facsimile: (713) 785-0561

ATTORNEY FOR APPLICANT

Date: March 25, 2003

COPY

PTO/SB/30 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

<i>Application Number</i>	09/432,904
<i>Filing Date</i>	November 2, 1999
<i>First Named Inventor</i>	Lina
<i>Group Art Unit</i>	3764
<i>Examiner Name</i>	D. DeMille
<i>Attorney Docket Number</i>	PUL.504E

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

a. Previously submitted

- Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____ (Any unentered amendment(s) referred to above will be entered).
- Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- Other _____

b. Enclosed

- Amendment/Reply
- Affidavit(s)/Declaration(s)
- Information Disclosure Statement (IDS)
- Other _____

2. Miscellaneous

a. Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months, Fee under 37 C.F.R. § 1.17(i) required)

b. Other _____

3. Fees The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

a. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-0965 (KCIA,012)

- RCE fee required under 37 C.F.R. § 1.17(e)
- Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- Other: any deficiency in the enclosed check and/or any fee for an extension of time necessary to insure consideration of the enclosed amendment/reply.

b. Check in the amount of \$750.00 enclosed.

c. Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Mark R. Wisner	Registration No. (Attorney/Agent)	30,603
Signature	January 29, 2003		

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print/Type)	Mark R. Wisner	Date	January 29, 2003
Signature	January 29, 2003		

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND FEES and Completed Forms to the following address: Assistant Commissioner for Patents, Box RCE, Washington, DC 20231.

02/24/03 13:40

KCI-MANUFACTURING → 713 785 0561



NO. 011 P003

United States Patent and Trademark Office

Washington, D.C. 20231

www.uspto.gov

APPLICATION NUMBER

FILING DATE

FIRST NAMED APPLICANT

ATTY. DOCKET NO./STYL

COPY

DATE MAILED:

NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)

The request for continued examination (RCE) under 37 CFR 1.114 filed on 2-6-03 is improper for reason(s) indicated below:

- 1. Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- 2. Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- 3. Continued examination under 37 CFR 1.114 does not apply to an application in which the Office has not mailed at least one of an Office action under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151.
- 4. The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
- 5. The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on _____. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
- 6. The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the Office action or notice of allowance continues to run from the mailing date of that action or notice.
- 7. The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the Office action or notice of allowance continues to run from the mailing date of that action or notice.

A copy of this notice MUST be returned with any reply.

Direct the reply and any questions about this notice to:

Tracie Hargrave Examining Group 3700
 (703) 305-3453

